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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,200	09/27/2000	Gregory L. Slaughter	5181-57500	8325
7590		02/01/2007		
Robert C Kowert				
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			EXAMINER	
			TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2194	
			MAIL DATE	DELIVERY MODE
			02/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

09/672,200

Applicant(s)

SLAUGHTER ET AL.

Examiner

LeChi Truong

Art Unit

2194

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: 13, 14, 29, 30 and 59.
Claim(s) rejected: 1, 2, 4-11, 15, 17, 18, 20-26, 28, 31, 33-36, 51, 52 and 54-57.
Claim(s) withdrawn from consideration: 3, 12, 16, 19, 27, 32, 37-50, 58 and 60-72.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: 1. Applicant argued in substance that :

- (1) " Brandle in view of Roth fails to teach or suggest storing the generated results data to space service in the distributed computing environment".
- (2) " Brandle in view of Roth also fails to teach or suggest providing an advertisement for stored results data to the client, where the advertisement comprises information to enable access by the client to the stored result data".
- (3) " providing a reference to a commercial advertisement based on various advertiser bids is completely different than storing generated results data to space service in a distributed computing environment where the results data were generated by performing a function on behalf of a client in accordance with information representing a computer programming language call".
- (4) " fails to provide a proper motivation to combine brandle and Roth".

2. Examiner respectfully disagreed with Applicant's remarks:

As to the point (1), Brandle teaches the response procedure 114 receives results returned over the network from a remote node and placed them into a queue 116 for later retrieval by the application 110(col 7, ln 34-39)/ Depending on the call method being used , the results returned by the application procedure 118 can be returned to the response procedure 114 for placement into the queue 116 or they can be returned directly to the remote router service produce(col 7, ln 64-68). The distributed computing environment(the results for communication over the network 178, and the remote router application 118 returns the results to the remote router service 180, col 9, ln 20-25).

As to the point(2), Roth teaches the web page 12 is transmitted to browser 11 in a conventional manner. Web page 12 includes an HTML reference to a file (i.e. an advertisement) located on an advertising web server system 16(col 3, ln 35-40)/ When a viewer 10 accesses web page 12, which has an HTML reference to server system 16, the present invention determines which advertisement from data base 16 A to present to the viewer (col 4, ln 58-62)/ access web page, such as web page 12, which in turn has an HTML reference to file (i.e. advertisement) stored on a server such as advertising server system 16(col 6, ln 7-11)/ the web server 310 provides an advertisement to web client browser 11 in response to an HTML reference. Such an operation is conventional. The function of the present invention to determine which particular advertisement from database 16 A will be provided in response to each HTML reference from web client browser 11 to web server 310(col6, col 46-52).

As to the point (3), Brandle teaches the results were generated by performing a function on behalf of a client call and store the results in the queue for later retrieved by client (col 2, ln 35-45/ col 7, ln 34-38). Brandle does not teaches the advertisement comprise information to enable access by the client to stored results. However, Roth teaches When a viewer 10 accesses web page 12(advertisement), which has an HTML reference (information to enable access by the client to the stored results) to server system 16(stored results), the present invention determines which advertisement from data base 16 A to present to the viewer (col 4, ln 58-62). When client access to an HTML in the webpage 12(an advertisement). This means the client access to the data base 16A of server system 16 because HTML reference to a file (i.e. an advertisement) stored on a server.

As to the point (4), The advertisement of Roth can be used for many different purposes to improve the networking communication of Brandle and provide a very flexible system whereby advertisers can minimize cost and maximize effectiveness while the client can obtain the highest possible access to the storage. In addition, both Brandle and Roth related to the computer-networking communication.